

Bill Summary
1st Session of the 60th Legislature

Bill No.:	SB 1102
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Author:	Sen. Coleman
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Bill Analysis

SB 1102 requires the manufacturer of a vapor product to certify to the Attorney General that it submitted a timely filed premarket tobacco product application for the vapor product to the Food and Drug Administration, and the application either remains under review by the FDA or has received a denial order that has been and remains stayed by the FDA or a court order, rescinded by the FDA, or vacated by a court. The measure provides that the manufacturer shall not be required to submit an additional marketing granted order or premarket tobacco product application for the vapor product because a change to the vapor product merely reflects change to the name, brand style, or packaging of a vapor product. The attestation shall list each brand name, product name, flavor, and category including e-liquid, power unit, disposable vapor product, device, e-liquid cartridge, or e-liquid pod. Additionally, the attestation shall include \$5,000.00 for the first time the manufacturer submits the form and \$2,500.00 for each annual renewal. The measure provides that wholesalers and retailers shall be subject to at least 2 inspections per year.

The Attorney General shall maintain and update a list of all vapor product manufacturers and all vapor products including brand names, product names, flavor, and categories to include e-liquid, power unit, disposable vapor product, device, e-liquid cartridge, or e-liquid pod for which certification forms have been submitted and approved by the Attorney General. The Attorney General may not remove a product from the list without providing at least 30 days of notice of the intended action. Manufacturers shall have 15 days to correct any deficiencies. Retailers shall remove the product removed from the list within 30 days of the removal. The measure provides that a manufacturer selling items to retailers removed from the list shall be subject to a civil penalty of \$10,000.00 for each individual vapor product offered for sale. Second and subsequent violations shall be considered a deceptive trade practice for purposes of the Oklahoma Deceptive Trade Practices Act. Nonresident and foreign manufacturers shall be required to post a surety bond of \$25,000.00.

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